THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Civil Misc. Writ Petition (M/S) No. 273 of 2006
(Under Article 227 of the Constitution of India)

1. Sri Ajay Srivastava S/O Sri L.K. Srivastava,
   R/O 15/6, Subhash Road, Dehradun through
   His Attorney Sri Sanjay Srivastava,.
2. Sri Sanjay Srivastava, S/O L.K.Srivastava,
   R/O 15/6, Subhash Road, Dehradun.

… **Petitioners.**

Versus

1. Additional District judge/FTC-V Dehradun.
2. Doon Institute of Engineering & Technology through
   Sri S.D.Singh, 64, Hill Crest, Society Area, Post Office
   Road, Clement Town Dehradun.
3. Sri S.D.Singh, S/O Shri S.Singh Founder Director,
   Doon Institute of Engineering & Technology,
   64, Hill Crest, Society Area, Post Office Road
   Clement Town, Dehradun.
4. Sri S.D.Singh S/O Shri S.Singh,
   R/O 1034, Indira Nagar Colony, Dehradun, presently
   Residing Dhooklot Selakui, Dehradun.
5. Society of Doon Institute of Engineering & Technology,
   64, Hill Crest Society Area Post office Road,
   Clement Town Dehradun through its Secretary
   Shri Sachin Dubey.
6. Sri Sachin Dubey, S/O Sri Hari Mohan Dubey,
   Secretary of Society of Doon Institute of Engineering &
   Technology, 64 Hill Crest, Society Area, Post Office Road,
   Clement Town Dehradun.
7. Shri Sachin, S/O Shri H.N.Dubey, 64, Hill Crest Society
   Area, Post Office Road, Clement Town, Dehradun.
8. Sri Pradeep Kumar S/O Sri Jagbir Singh Thenua,
   64, Hill Crest, Society Area Post Office Road,
   Clement Town Dehradun
9. Doon Institute of Aeronautical Engineering through
   Sri Sachin Dubey,
   64, Hill Crest, Society Area Post Office Road,
   Clement Town Dehradun.
10. Sri Sachin Dubey, S/O Sri Hari Mohan Dubey,
    For Doon Institute of Aeronautical Engineering,
    64, Hill Crest, Society Area Post Office Road,
    Clement Town Dehradun.
11. Sri Ram Chamel, S/O Late Pandit Asharam,
    R/O 64, Hill Crest, Society Area Post Office Road,
    Clement Town Dehradun.
12. Sri Arun Sharma, S/O Pandit Ram Chamel,
    R/O 64, Hill Crest, Society Area post Office Road,

Clement Town Dehradun.

… **Respondents.**

Sri Kanwaljit Singh, learned counsel for the petitioners.
Sri Nand Prasad, Learned Standing Counsel for the respondent No. 1.
Dated March 24, 2006.
(Hon'ble B.S. Verma, J.)

Heard learned counsel.

The petitioner has filed the present Writ Petition to issue a writ, order or direction in the nature of mandamus directing the respondent no.1 to decide the proceedings of Order 21, Rule 97 C.P.C. (S.C.C. Misc. Case No. 4 of 2004) Shri Ram Chamel and another Vs. Smt. Kamlesh Srivastava and others expeditiously. It has further been prayed that a further direction be given to the respondents 11 and 12 to deposit entire decretal amount of S.C.C. Suit No. 28 of 1999.

In the course of arguments, the learned counsel for the petitioners has confined his prayer to the extent that direction for expeditious disposal of proceedings of Order 21, Rule 97 of the C.P.C. registered as SCC Misc. Case No. 4 of 2004 aforesaid may be issued to the respondent no.1. Prayer is innocuous.

In the facts and circumstances of the case and taking into consideration the prayer of the learned counsel for direction to decide the proceedings of Order 21, Rule 97 C.P.C., I direct the respondent no.1 to decide the aforesaid proceedings of S.C.C. Misc.Case No. 4 of 2004, Shri Ram Chamel and another Vs. Smt. Kamlesh Srivastava and others expeditiously preferably within a period of three months from the date of production of certified copy of this order.

With the aforesaid observation, the Writ Petition is disposed of finally.

(B.S. Verma, J.)

RCP